

10/890779

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wolfgang Werr  
Serial No. : 09/890,779 Examiner : Not Yet Assigned  
Filed : February 9, 2000 Group Art Unit: Not Yet Assigned  
For : A METHOD FOR INHIBITING THE EXPRESSION OF TARGET  
GENES IN PLANTS

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

**BY EXPRESS MAIL – LABEL NO.: ET346778293US**

June 10, 2002

Commissioner for Patents  
United States Patent and Trademark Office  
Box PCT  
Washington DC 20231

Sir:

Responsive to the Notification of Defective Response dated May 14, 2002, enclosed herewith is a corrected Declaration referring to the above-identified application by one or more of the following in compliance with 37 C.F.R. § 1.63:

- ☒ [X] Name of inventor and application serial number;
- ☐ [ ] Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- ☒ [X] Name of inventor, title of invention, identification of the application by the International application number and international filing date;
- ☐ [ ] Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath or declaration;
- ☒ [X] Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

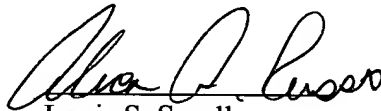
Applicants previously submitted the Oath and Declaration on November 2, 2001 and submitted the appropriate fee. However, the Notification of Defective Response indicates that the originally submitted Oath and Declaration did not identify the application by the International application number and international filing date. While Applicants disagree, Applicants submit herewith a second copy of the Oath and Declaration which Applicants believe refers to the application by international application number and filing date.

Applicants believe no fee is due in connection with this communication. However, if any fee is due, the Commissioner is hereby authorized to charge payment of any such fees to Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.

June 10, 2002



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Enclosures

# **COMBINED DECLARATION AND POWER OF ATTORNEY**

**(Original, Design, National Stage of PCT, Divisional, Continuation or C-I-P Application)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## **A METHOD FOR INHIBITING THE EXPRESSION OF TARGET GENES IN PLANTS**

This declaration is of the following type:

- ☐ original
- ☐ design
- ☒ national stage of PCT.
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (C-I-P)

the specification of which: *(complete (a), (b), or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on August 6, 2001 as Application Serial No. 09/890,779 and was amended on *(if applicable)*.
- (c) ☒ was described and claimed in PCT International Application No. PCT/EP00/01524 filed February 9, 2000 on and was amended on *(if applicable)*.

### **Acknowledgment of Review of Papers and Duty of Candor**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

- ☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.98.

### **Priority Claim**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed

*(complete (d) or (e))*

- (d) ☐ no such applications have been filed.
- (e) ☒ such applications have been filed as follows:

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION				
COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
Europe	99420030.1	09/02/99		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
	PCT/EP00/01524	09/02/00		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
				<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
ALL FOREIGN APPLICATION[S], IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION				
				<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
				<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
				<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>

### Claim for Benefit of Prior U.S. Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

### Claim for Benefit of Earlier U.S./PCT Application(s) under 35 U.S.C. 120

*(complete this part only if this is a divisional, continuation or C-I-P application)*

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status) (patented, pending, abandoned)

(Application Serial No.) (Filing Date) (Status) (patented, pending, abandoned)

### Power of Attorney

As a named inventor, I hereby appoint Dana M. Raymond, Reg. No. 18,540; Frederick C. Carver, Reg. No. 17,021; Francis J. Hone, Reg. No. 18,662; Joseph D. Garon, Reg. No. 20,420; Arthur S. Tenser, Reg. No. 18,839; Ronald B. Hildreth, Reg. No. 19,498; Thomas R. Nesbitt, Jr., Reg. No. 22,075; Robert Neuner, Reg. No. 24,316; Richard G. Berkley, Reg. No. 25,465; Richard S. Clark, Reg. No. 26,154; Bradley B. Geist, Reg. No. 27,551; James J. Maune, Reg. No. 26,946; John D. Murnane, Reg. No. 29,836; Henry Tang, Reg. No. 29,705; Robert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Louis S. Sorell, Reg. No. 32,439; Rochelle K. Seide Reg. No. 32,300; Gary M. Butter, Reg. No. 33,841; Marta E. Delsignore, Reg. No. 32,689; Lisa B. Kole, Reg. No. 35,225; Anthony Giaccio, Reg. No. 39,684; and Janet M. MacLeod, Reg. No. 35,263 of the firm of BAKER & BOTTS, L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

SEND CORRESPONDENCE TO: BAKER & BOTTS, L.L.P. 30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112 CUSTOMER NUMBER: 21003	DIRECT TELEPHONE CALLS TO: BAKER & BOTTS, L.L.P. (212) 705-5000
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	LAST NAME <u>WERR</u>	FIRST NAME <u>WOLFGANG</u>	MIDDLE NAME	
RESIDENCE & CITIZENSHIP <u>1-00</u>	CITY <u>Köln</u>	STATE or FOREIGN COUNTRY <u>Germany</u> <u>DO</u>	COUNTRY OF CITIZENSHIP <u>Germany</u>	
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>Institute für Entwicklungsbiologie, Universität zu Köln</u>	CITY <u>Köln</u>	STATE or COUNTRY <u>Germany</u>	ZIP CODE <u>D-50923</u>
DATE <u>18.10.01</u>	SIGNATURE OF INVENTOR <u>[Signature]</u>			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			

Check proper box(es) for any added page(s) forming a part of this declaration

- ☐ Signature for ninth and subsequent joint inventors. Number of pages added \_\_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_.
- ☐ Signature for inventor who refuses to sign, or cannot be reached, by person authorized under 37 CFR 1.47.